UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MA 02109-3912

June 28, 2010

David Drozd, Director
BRAC Program Management Office Northeast
Attn: Brunswick EIS
4911 Broad Street, Building 679
Philadelphia, PA 19112-1303

Re: Draft Environmental Impact Statement for the Disposal and Reuse of Naval Air Station Brunswick, Maine (CEQ#20100162)

Dear Mr. Drozd:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Department of the Navy's Draft Environmental Impact Statement (DEIS) for the disposal and reuse of Naval Air Station (NAS) Brunswick in Brunswick, Maine. We submit the following comments on the DEIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The DEIS describes potential impacts to the human and natural environment associated with the reuse of the base following closure pursuant to the Defense Base Closure and Realignment Act of 1990. The DEIS considers two alternatives for redevelopment. Alternative 1, the preferred alternative, is consistent with the Reuse Master Plan developed by the Brunswick Local Redevelopment Authority. Under this alternative the development program for the base would cover 1,630 acres (51% of the base) and includes land use districts to allow for aviation operations and related business, professional office space, community mixed use, business and technology industries, education, residences, recreation and open space and natural areas (with recreation and open space and natural areas comprising 49% of the total base area). Alternative 2 includes a higher density residential and mixed use development than Alternative 1 with no airfield facility. Specifically, the development program for the base under Alternative 2 would cover 1,580 acres (49% of the base) and includes land use districts to allow for community mixed use, business and technology industries, education, residences, recreation and open space and natural areas (with recreation and open space and natural areas comprising 51% of the total base area). A twenty year development timeline was used to project impacts for both alternatives.

EPA participated in a project scoping meeting on November 14, 2008 and subsequently issued scoping comments on December 2, 2008 in response to the Navy Notice of Intent to prepare an EIS. Our scoping comments recommended that the DEIS address direct,

indirect and cumulative impacts of the redevelopment (with a particular emphasis on evaluation of the potential for secondary/indirect impacts that could occur off the base). EPA specifically recommended that the EIS analyze each alternative with and without the proposed offsite transportation improvements (the connector road and interchange to connect to US Route 1) to determine how the redevelopment would function under each scenario and to fully identify the environmental impacts associated with each of these transportation options. Our scoping comments also addressed wetlands, air quality, water supply, greenhouse gas emissions, green buildings and energy considerations.

We were surprised and concerned to see that our scoping comments were not included in the "Agency Correspondence" section of the DEIS. Our level of concern increased when we noticed that the DEIS contains almost no discussion of secondary/indirect impacts. The attachment to this letter contains our specific comments. We recommend that the Navy work to resolve this deficiency in the DEIS by presenting an analysis of secondary/indirect impacts for public review prior to the release of the FEIS. The attachment also provides comments on wetland, water quality and air issues. We are willing to discuss any questions regarding our comments with the Navy and the consulting team working to prepare the FEIS as necessary.

We appreciate the opportunity to comment on the DEIS for the disposal and reuse of NAS Brunswick. Based on our review of the DEIS we have rated the DEIS "EC-2—Environmental Concerns-Insufficient Information" in accordance with EPA's national rating system, a description of which is attached to this letter. Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any comments or questions about this letter.

Sincerely,

H. Curtis Spalding
Regional Administrator

Attachment

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

EPA Comments on the DEIS for the Disposal and Reuse of NAS Brunswick, Brunswick, Maine

Indirect Impacts

The Council on Environmental Quality's Regulations for Implementing NEPA require that all EISs contain an analysis of indirect impacts. 40 CFR 1502.16(b). The CEQ regulations define indirect effects (often called 'secondary effects') as follows: " Indirect effects…are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 CFR 1508.8(b). In the case of this project, indirect effects may include growth and/or development outside the base boundary that is induced by redevelopment within the base boundary. The NAS Brunswick DEIS contains an incomplete analysis of indirect impacts, and this needs to be corrected.

We note that the DEIS contains an analysis of development that is expected to occur on the base and associated properties under complete build-out. We believe this analysis is thorough and well-documented. What is missing from the DEIS, however, is an analysis of the potential for population and employment growth to occur off the base that is induced by base redevelopment. We were puzzled that this omission occurred despite EPA's scoping comments offered during the November 2008 scoping meeting and subsequent December 2008 written scoping comments. Those comments called for an evaluation of the potential for secondary impacts that would occur off the base associated with residential and commercial development stimulated by base redevelopment. Our comments also recommended an analysis of the impacts of the project both with and without the Route 1 connector. We note that the DEIS includes mention of the potential for such off-base impacts in a few places (e.g., on page 4-20 it is stated that "*…Alternative 1 also would result in an indirect demand for off-site housing and commercial space to serve residents and businesses moving into the immediate project area.*" Similar language can be found on pages 4-29 and 4-36 of the DEIS. The analysis should go beyond general statements such as these, however, and provide a quantitative estimate of the potential magnitude of the growth in population and employment in the surrounding area, and its associated environmental impacts.

After reviewing the DEIS and seeing that it did not include an analysis of the potential secondary impacts of off-base development, EPA contacted the Navy and after a conference call on May 26, 2010 we provided the Navy and their consultant with reference materials on methods for analyzing secondary impacts. Although these documents were written for highway projects, the same approaches will work for the base redevelopment analysis. During the call we noted that the state of practice in analyzing secondary and cumulative impacts has advanced significantly in recent years, and there is a range of methods available for conducting an adequate analysis. Two sources of information for such methods are National Cooperative Highway Research Program

Report 423 A (*Land Use Impacts of Transportation: A Guidebook*) or National Cooperative Highway Research Program Report 466 (*Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects*). EPA is willing to discuss the analysis with the Navy and their consultant, if that would be helpful.

Because the analysis of indirect impacts was insufficient in the DEIS we recommend that subsequent analysis of potential secondary impacts off-base be developed and distributed for public and agency review and comment prior to publication of the FEIS. In this manner the information in the DEIS can be supplemented and any comments received on the expanded evaluation can be addressed in the FEIS. The FEIS should also describe the impacts of the project both with and without the Route 1 Connector project.

Cumulative Impacts

The analysis of cumulative impacts in the FEIS should be revised to incorporate the extension of the Downeaster train service from Portland to Brunswick. It is our understanding that this project has been funded by US DOT's High-Speed Intercity Passenger Rail Program.

Wetlands

Page 5-8 of the Wetlands Functional Assessment Report (Appendix G of the DEIS) notes that four wetlands in the western portion of the NAS Brunswick do not have an apparent surface water connection to waters of the U.S and therefore are not considered jurisdictional by the US Army Corps of Engineers. For clarification, please explain whether a jurisdictional determination has been done by the Army Corps of Engineers on these wetlands (Cluster 14).

Stormwater Management

Both alternative development scenarios (at full build out) result in significant increases in impervious cover over existing conditions (including an 11% increase in impervious surface for Alternative 1 and a 14% increase for Alternative 2). Stormwater from these new impervious surfaces will impact the watershed if appropriate stormwater management practices are not put in place. The DEIS (page 4-151) notes that the "entity responsible for implementing any storm water system improvements has not yet been determined, and funding for these improvements has not been secured. Upon disposal of the federally owned and maintained property, the party responsible for making the system improvements would need to be identified." We believe that the FEIS should identify the measures that can be adopted to demonstrate how the increased stormwater flows will be addressed to prevent an increase in flows above pre-development levels consistent with the Energy Independence and Security Act (EISA). EISA requires that all federal facility development and redevelopment projects larger than 5000 square feet maintain or restore the predevelopment hydrology of the property. For your reference, a copy of the technical guidance to aid compliance with EISA can be found at http:// www.epa.gov/owow/nps/lid/section438. The technical guidance recommends the adoption of low impact development (LID) measures including the use of porous pavement, infiltration zones, vegetated roofs vegetated swales and constructed wetlands for stormwater treatment, and other techniques to minimize adverse environmental

impacts. We recommend that the Navy require that the transfer of the base property to the local redevelopment authority be contingent upon a requirement that stormwater flow will not exceed pre-development levels consistent with EISA.

Section 3.5 - Environmental Management

We believe the information contained in this section was generally very accurate up to and including 2009. Identified future actions to be taken by the Navy at the various CERCLA and petroleum sites are also generally consistent with EPA expectations for the sites. We note that in Section 3.5.4.1, Page 3-72, ¶4 (Eastern Plume Operable Unit) the last sentence states that a final ROD for the Eastern Plume is planned. This statement is incorrect as the Final ROD for the Eastern Plume Site was completed in February 1998. The FEIS should be revised to reflect this.

Greenhouse Gas Emissions/Energy Efficiency

EPA appreciates the Navy's effort to incorporate a greenhouse gas emissions analysis for the project in the EIS. The discussion of energy efficiency measures lists the Energy Star and LEED programs as methods to mitigate emissions from new and existing buildings in the redevelopment area. We encourage the Navy to work with the local community toward adoption of regulations that require that these measures be implemented by the development program that follows base closure. We also continue to recommend that the FEIS include a discussion whether or not any portion of the energy demand for the redevelopment could be met by renewable energy generation facilities on base property. Specifically, the FEIS should include reference to the efforts of the Midcoast Regional Redevelopment Authority (MRRA) to establish a "clean energy park" on the base.

Construction Emissions

The discussion of construction period emissions (DEIS Page 4-114) notes that "exhaust emissions from construction vehicles can be reduced by using fuel-efficient vehicles with emission controls...." Given the public health concerns about diesel exhaust from heavy duty diesel trucks and other heavy duty construction equipment, EPA typically recommends that measures be implemented to reduce fine particle emissions from diesel engines during construction. In this case we suggest that the Navy make emission controls during construction a condition of property transfer. Emissions from older diesel engines can be controlled with retrofit pollution control equipment such as diesel oxidation catalysts or particulate filters that can be installed on the exhaust of the diesel engine. Retrofits have been successfully applied to many diesel engines across the country and oxidation catalyst technology has been successfully applied to construction equipment used on several projects in the Northeast, including the Central Artery/Third Harbor Tunnel project in Boston. Retrofit technologies may include EPA verified emission control technologies and fuels and CARB-verified emission control technologies. These lists can be accessed at http://www.epa.gov/otaq/retrofit/verif-list.htm.